

AMENDED IN ASSEMBLY JULY 6, 2005

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 1023

Introduced by Senator Dunn

February 22, 2005

An act to add Section 5800.1 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1023, as amended, Dunn. Workers' compensation: enforcement: penalties.

Existing law establishes a workers' compensation system to compensate an employee for injuries sustained in the course of employment. Under this system, the Workers' Compensation Appeals Board has jurisdiction to determine these claims.

Existing law provides for the payment of interest and penalties in connection with an employer's delay or refusal to pay a workers' compensation claim.

This bill would provide that if an employer fails to fully comply with an order or award of the appeals board within 10 *calendar* days after that order or award has become final and the employee is required at any subsequent time to return to the appeals board to enforce the order or award, the employer shall pay to the employee, in addition to any other amount due the employee, the sum of \$2,000 for the first enforcement action and \$5,000 for the second and each subsequent enforcement action.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5800.1 is added to the Labor Code, to read:

5800.1. (a) If an employer fails to fully comply with an order or award of the appeals board within 10 *calendar* days after that order or award has become final and the employee is required at any subsequent time to return to the appeals board to enforce the order or award, the employer shall pay to the employee, in addition to any other amount due the employee, the sum of two thousand dollars (\$2,000) for the first enforcement action and five thousand dollars (\$5,000) for the second and each subsequent enforcement action.

(b) Payments made under ~~subdivisions~~ *subdivision* (a) shall apply in addition to all other penalties or interest payable under any other section of this code or other applicable statute.

(c) *In order to obtain penalties under this section, the employee shall have prevailed in an enforcement action.*

(d) *This section shall not apply to disputes over utilization review.*

~~(e)~~

(e) This section shall apply to all enforcement actions commenced on and after January 1, 2006, without regard to the date of injury.